

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

DANIEL E. BUCKNER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 3:07-0795
	)	Judge Campbell/Bryant
SHAWN BECK,	)	<b>Jury Demand</b>
	)	
Defendant.	)	

**TO: The Honorable Todd J. Campbell**

**REPORT AND RECOMMENDATION**

Defendant has filed his motion to dismiss for failure to prosecute (Docket Entry No. 11), and has attached as exhibits in support of his motion two envelopes, addressed to the plaintiff, which have been returned by the post office as undeliverable. (Docket Entry Nos. 11-1 and 11-2). It appears that plaintiff, when his complaint was filed, was a prisoner incarcerated at the Criminal Justice Center in Davidson County, Tennessee. (Complaint, Docket Entry No. 1). It further appears from a handwritten notation on one of the envelopes returned by the post office that plaintiff was released from custody on September 19, 2007. (Docket Entry No. 11-1). It further appears from that the defendant has made an additional attempt to serve pleadings on the plaintiff at the Davidson County Jail, but that that attempt also was unsuccessful, as evidenced by another envelope returned by the post office as undeliverable. (Docket Entry Nos. 13 and 13-1).

From the foregoing, the undersigned Magistrate Judge finds that the plaintiff has failed to prosecute his case and has violated the prior order of the Court (Docket Entry No. 3), which directed the plaintiff to "keep the Clerk's Office informed of his current address."

**RECOMMENDATION**

Based upon the foregoing, the undersigned Magistrate Judge hereby **RECOMMENDS** that plaintiff's complaint be **DISMISSED** without prejudice for failure to prosecute and for failure to keep the Clerk's Office informed of his current address.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

**ENTERED** this 23rd day of May 2008.

s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge

